

TWENTY-EIGHTH DAY

(Wednesday, March 1, 1967)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Word

Absent—Excused

Connally	Parkhouse
Grover	Wilson
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Creighton.

Senator Connally was granted leave of absence for today on account of illness on motion of Senator Word.

Senator Grover was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Wilson was granted leave of absence for today on account of illness on motion of Senator Word.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 27, Requesting the Texas State Highway Department to designate State Highway 217 as "The Charles Goodnight Trail."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 26, Extending congratulations to The Order of DeMolay and observance of "DeMolay Week."

H. C. R. No. 35, Inviting U.S. Senators Ralph Yarborough and John Tower to address a joint session of the Sixtieth Legislature.

H. C. R. No. 39, In memory of J. C. Porter.

Reports of Standing Committees

Senator Cole submitted the following reports:

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 314, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLE, Chairman.

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 313, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLE, Chairman.

Senator Herring submitted the following reports:

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 247, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 485, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 98, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 193, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 276, have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 277, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Hall submitted the following reports:

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 306, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 42, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, as amended.

HALL, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 177, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 235, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 218, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 285, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 195, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 210, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 217, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 59, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Senator Reagan submitted the following report:

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to which was referred S. B. No. 157, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Designation of Senator Brooks to Read Declaration of Independence

The President announced the appointment of Senator Brooks to read the Texas Declaration of Independence on tomorrow pursuant to the provisions of S. R. No. 126.

Notice of Executive Session

On motion of Senator Blanchard and by unanimous consent the Senate agreed to hold an Executive Session at 11:30 o'clock a.m. today.

Senate Bill 313 Ordered Not Printed

On motion of Senator Cole and by unanimous consent S. B. No. 313 was ordered not printed.

Senate Bill 314 Ordered Not Printed

On motion of Senator Cole and by unanimous consent S. B. No. 314 was ordered not printed.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Bates:

S. B. No. 326, A bill to be entitled "An Act to require depuration of shellfish in Texas, to be known as the Texas Depuration Act; defining terms; prohibiting sale, shipment, delivery, holding or offering for sale of shellfish for human consumption unless same has been subjected to depuration process; requiring licenses of certain shellfish processors, shippers, importers and sellers; authorizing the Board of Health to prescribe methods of purgation, and to make rules and regulations; providing for certification, inspection and suspension of certification of depuration facilities; requiring the Commissioner of Health to prescribe identification and marking and prohibiting movement of retail sale or delivery of shellfish without marking; prohibiting falsification of marking and fixing penalty; prohibiting licensees from certain handling of unmarked shellfish; requiring the Commissioner of Health as to marking shellfish imported into Texas; providing for bonds; excepting heat sterilized shellfish; authorizing confiscation; permitting municipalities to regulate; providing for enforcement and penalties; providing severability; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Hightower:

S. B. No. 327, A bill to be entitled "An Act to promote the health, safety, and welfare of the people by regulating the business of transporting, processing, or disposing of the bodies of dead animals, poultry, or any parts thereof, by burying, burning, cooking, or processing; and to provide penalties for the violation of the terms thereof; providing severability; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Herring:

S. B. No. 328, A bill to be entitled "An Act authorizing and directing the Texas Department of Mental Health and Mental Retardation to convey and transfer to the Parks and Wildlife Department certain land in Travis County, Texas, and declaring an emergency."

To the Committee on State Affairs.

By Senator Watson:

S. B. No. 329, A bill to be entitled "An Act amending Sections 3, 4 and 5 of Article 21.14 of the Insurance Code of 1951, as amended, being Sections 3, 4 and 5 of Article 21.14 of the Acts of 1951, Regular Session, 52nd Legislature, Page 868, Chapter 491, so as to permit the licensing of corporations as local recording agents, providing the conditions and requirements for such licensing, making it unlawful for a corporation to act as a local recording agent without a license, making other licensing requirements applicable to corporations, making it unlawful for a corporation, or any officer, director, shareholder or employee thereof to violate certain provisions of said Article 21.14, providing for the precedence of this act in cases of conflict, and declaring an emergency."

To the Committee on Insurance.

By Senator Hall:

S. B. No. 330, A bill to be entitled "An Act authorizing judges of courts with jurisdiction over juveniles to create a separate docket, designated the 'Children's Court Docket,' for matters involving juveniles not charged with violation of law; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Christie:

S. B. No. 331, A bill to be entitled "An Act relating to the protection of horned toads (*Phrynosoma* sp.) from commercial exploitation; providing a penalty; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Moore:

S. B. No. 332, A bill to be entitled "An Act relating to the compensation of the official shorthand reporter for

the 85th Judicial District of Texas; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Harrington and Brooks:

S. B. No. 333, A bill to be entitled "An Act to provide for the conservation and management of reefs, oyster beds, oysters, potential oyster beds and bird-life; providing for the dredging and removal of marl, shell and mudshell under certain conditions; giving certain responsibility to the State Parks and Wildlife Department; providing for penalties for violations; defining Coastal Waters, Reef, Live Reef, Exposed Shell, Mudshell, Overburdened Shell and Marl; providing for the repeal of all laws or parts of laws in conflict therewith; providing for the severability of provisions and rules of construction; and declaring an emergency."

To the Committee on Game and Fish.

By Senators Bernal and Berry:

S. B. No. 334, A bill to be entitled "An Act concerning county law libraries, amending Section 1, Chapter 192, Acts of the 48th Legislature, 1943, as amended (Article 1702a-1, Vernon's Texas Civil Statutes); providing for a cost increase on civil cases to benefit the county law library fund; and declaring an emergency."

To the Committee on State Affairs.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 31, A bill to be entitled "An Act to amend Acts 1947, 50th Legislature, Chapter 70, by adding a new section to such act making the bonds issued by the governing boards of public junior colleges pursuant to such act authorized investments, and making them eligible to secure public funds; and declaring an emergency."

S. B. No. 64, A bill to be entitled "An Act authorizing cities with a population of 600,000 or more accord-

ing to the last preceding federal census that have provisions in their charters limiting their total bonded indebtedness to fixed amounts in dollars to incur total bonded indebtedness in an amount not exceeding ten (10%) per cent of the total assessed valuation of property shown by the last assessment roll of such a city, notwithstanding the limit of total bonded indebtedness fixed in dollars by the city charter is a lesser amount; and declaring an emergency."

(With amendments.)

H. B. No. 577, A bill to be entitled "An Act relating to the election of trustees of certain independent school districts; amending Section 2, Chapter 36, Acts of the 59th Legislature, Regular Session, 1965 (Article 2775f, Vernon's Texas Civil Statutes), and adding a new Section 4a; and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act creating and establishing the Texas Veterinary Medical Diagnostic Laboratory as a State Agency under the jurisdiction and supervision of the Board of Directors of Texas A&M University, such Agency not to be any part or unit of any institution or system of higher education of the state; providing for the staffing of the Agency by said Board of Directors; providing for the construction and equipping of a veterinary medical diagnostic laboratory building and related animal building on state land in Brazos County made available to the State Building Commission by said Board of Directors; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 332, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Senate Concurrent Resolution 28

Senator Hardeman offered the following resolution:

S. C. R. No. 28, Extending invitation to the Sons of the American Revolution to hold its 1969 Congress in Texas.

Whereas, The Sons of the American Revolution is an organization composed of the descendants of those brave soldiers who risked their all to free America from tyranny; and

Whereas, In like manner hardy Texas pioneers risked their lives in gaining independence from tyrannical rule for our great State; and

Whereas, Many of those who fought for the freedom of Texas were descended from Revolutionary heroes; and

Whereas, The Sons of the American Revolution has not yet chosen a site for its annual Congress of the National Society for the year 1969; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That The National Society of the Sons of the American Revolution is most cordially invited to hold its Congress for the year 1969 in the State of Texas, with the assurance of a warm Texas welcome and typical Texas hospitality, and that copies of this Resolution under the Seal of the Senate be sent to the National Congress of the S.A.R. by the Secretary of the Senate.

HARDEMAN
RATLIFF

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 29

Senator Strong offered the following resolution:

S. C. R. No. 29, Granting Willard Barnett, Jr., permission to sue the State of Texas.

Whereas, Willard Barnett, Jr., a resident of the City of Carthage in Panola County, Texas, alleges that on or about February 9, 1967, he was operating his pickup truck in a lawful

and careful manner while crossing the Sabine River bridge on Highway 79, east of the City of Carthage; and

Whereas, At the same time a truck being used to haul large rocks for, and registered in the name of, the Texas Highway Department was allegedly proceeding in front of Barnett's pickup truck when a large rock fell off the Texas Highway Department truck, bounced on the pavement, and smashed the pickup truck's windshield, knocking glass into Barnett's eyes; and

Whereas, Willard Barnett, Jr., alleges that he sustained damages to his person and property as a result of this incident; and

Whereas, Barnett intends to sue the state and Texas Highway Department in Panola County to recover his alleged damages; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That

(1) Willard Barnett, Jr., is granted permission to sue the State of Texas in a court of competent jurisdiction in Panola County;

(2) in the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas and upon the Chairman of the State Highway Commission; and

(3) the suit shall be conducted as other civil suits; and, be it further

Resolved, That nothing in this Resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, department, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

Resolved, That

(1) nothing in this Resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions; and

(2) every defense is specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 210 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent S. B. No. 210 was ordered not printed.

Executive Session

On motion of Senator Blanchard and by unanimous consent the Senate agreed to hold an Executive Session at 11:30 o'clock a.m. today (he having made the motion earlier today).

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a member of the State Board of Pardons and Paroles: A. C. Turner of Huntsville, Walker County.

To be a member of the Parks and Wildlife Commission, for a six year term to expire February 1, 1973: Harry D. Jersig of San Antonio, Bexar County.

To be a member of the Library and Historical Commission, for a six year term to expire September 28, 1971: C. Stanley Banks of San Antonio, Bexar County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:42 o'clock a.m.

Report of Standing Committee

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
March 1, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, Your Committee on Jurisprudence to which was referred S. C. R. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senate Resolution 180

Senator Hardeman offered the following resolution:

Whereas, From time to time there has been the question as to whether or not the Senate Chamber of the Senate of Texas should or should not be equipped so that each individual Senator's desk on the floor of the Senate be equipped with a microphone; and

Whereas, There just possibly might be a need for such amplifying system in the Senate Chamber; and

Whereas, There could be many problems in such installation due to the technical problems incidental thereto; and

Whereas, It has been said that other state legislative bodies have been using such amplifying systems in their Senate Chambers; now, therefore, be it

Resolved, That the Lt. Governor is hereby authorized to appoint one or more Senators to visit other state lawmaking bodies to ascertain the cost of using such amplifying methods in their Senate Chambers, and such Senator or Committee of Senators so appointed by the Lt. Governor report back to the 61st Legislature its findings on this subject.

The resolution was read and was referred to the Committee on Contingent Expenses.

**Senate Concurrent Resolution 29
Ordered Not Printed**

On motion of Senator Strong and by unanimous consent S. C. R. No. 29 was ordered not printed.

Welcome Resolutions

S. R. No. 176—By Senator Hall: Extending welcome to the Honorable Eugene Bramhall of Orville, California.

S. R. No. 177—By Senator Herring: Extending welcome to Fifth Grade teachers and students of Ridgetop Elementary School of Austin.

S. R. No. 178—By Senator Herring: Extending welcome to Sixth Grade teacher and students of Zavala School of Austin.

S. R. No. 179—By Senators Bernal and Berry: Extending welcome to

students of the Defense Language Instruction Class at Lackland Air Force Base in San Antonio.

S. R. No. 181—By Senator Watson: Extending welcome to the Haraston Study Club of Waco.

S. R. No. 182—By Senator Watson: Extending welcome to Mrs. Virginia Crump, Mrs. Helen Baldwin, Mrs. Miriam Smith, and Mrs. Myrtle Taylor.

Adjournment

On motion of Senator Hardeman the Senate at 11:44 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

March 1, 1967

S. C. R. No. 26

TWENTY-NINTH DAY

(Thursday, March 2, 1967)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Reagan
Connally	Strong
Creighton	Wade
Grover	Watson
Hall	Wilson
Hardeman	Word
Harrington	

Absent—Excused

Kennard	Ratliff
Parkhouse	Schwartz

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of

the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Creighton.

Senator Ratliff was granted leave of absence for today on account of illness on motion of Senator Watson.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 207, A bill to be entitled "An Act authorizing incorporated cities, towns and villages, by majority vote of the qualified voters of any such city, town or village, voting at an election held for that purpose, to impose a local sales and use tax of one per cent (1%) on the sale or use of certain tangible personal property in such cities, towns and villages; providing for the abolition of the local sales and use tax authorized herein by majority vote of the qualified voters of any such city, town or village; providing for the administration and collection and enforcement of such tax by the State of Texas; authorizing the Comptroller of Public Accounts of the State of Texas to prescribe rules, regulations, and forms for the administration of this Act; providing that the Comptroller of Public Accounts of the State of Texas may promulgate a bracket system formula for the joint collection of the taxes authorized by this Act and the taxes authorized by the Limited Sales, Excise and Use Tax Act of the State of Texas, and prescribing the standards to be followed by the Comptroller in promulgating such bracket system formula; providing for the allocation of revenues from taxes collected under this Act; providing for surety bonds for the Comptroller of Public Accounts and his staff and for